House No. 4299

Message from his Excellency the Governor recommending legislation relative to an act authorizing a special meeting of the town council of the city known as the town of Randolph for the purpose of selecting a town manager.

The Commonwealth of Massachusetts



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October 27, 2009

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act Authorizing A Special Town Meeting Of The Town Council Of The City Known As The Town Of Randolph For The Purpose Of Selecting A Town Manager."

Senator Joyce, Representatives Driscoll, Ayers and Timilty and the Randolph Board of Selectmen have requested that I file home rule legislation on behalf of the town of Randolph. In April Randolph voters adopted a new charter, which provides for a town manager-town council government. The charter includes a process and timeline for selection of the town manager. However, the established dates are problematic: the newly elected town council must select the town manager by November 3, 2009, but the town council will not be sworn into office until

January 2010. This legislation, which enables the town to modify the timeline, will ensure that the town does not violate its newly adopted charter.

Accordingly, I urge your early and favorable consideration of this bill.

Sincerely,

DEVAL L. PATRICK,

Governor

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The Commonwealth of Massachusetts

In	the	Year	Two	Thousand	and	Nine

AN ACT AUTHORIZING A SPECIAL MEETING OF THE TOWN COUNCIL OF THE CITY KNOWN AS THE TOWN OF RANDOLPH FOR THE PURPOSE OF SELECTING A TOWN MANAGER. .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

(a) Notwithstanding the provisions of the charter of the city known as the town of Randolph, as appearing in section 3 of chapter 2 of the acts of 2009 to the contrary, those persons elected and qualified as town councillors pursuant to said charter shall assemble, take and subscribe to an oath of office and be sworn to the faithful performance of their duties at a special meeting convened solely for the purposes of selecting a town manager.

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- (b) The clerk of the town of Randolph shall provide notice of the date, time, place and purpose of the special meeting by written notice delivered in hand or to the place of residence of each town councillor-elect. Such notice shall be provided at least 7 days before the date the meeting is scheduled to take place. A copy of the notice to the town councillors-elect shall forthwith be posted upon the town bulletin board.
- (c) The special meeting shall not proceed unless at least 6 of the town councillors-elect are present.
- (d) After taking an oath of office, the town councillors shall elect from among its members present a temporary council president who shall preside over the meeting, regulate its proceedings and decide all questions of order.
- (e) The temporary council president shall appoint, subject to the approval of the town councillors present, a temporary clerk of the council, who may be the town clerk. The temporary clerk of the council shall keep the journal of the council's proceedings and shall not receive a salary for the performance of this duty.

- (f) At the special meeting, the town council shall select, from among candidates approved by the screening committee, a town manager who is qualified as required by section 3-1 of the charter. Such selection shall be by the affirmative vote of at least two-thirds of the councillors. The candidate selected to be town manager shall take office in accordance with the charter.
- (g) Once the town manager has been selected, the appointment of the council president and clerk of the council shall expire and the town council shall have no other powers or duties until January 4, 2010; provided, however that on or after January 4, 2010, whoever served as temporary president or temporary clerk shall be eligible to serve as council president or clerk of the council in accordance with the charter.
- 30 (h) This special meeting of the town council shall be subject to sections 23A to 23C, 31 inclusive, and section 24 of chapter 39 of the General Laws.
- SECTION 2. The selection of the town manager shall be made, in accordance with this act, not later than 30 days after the effective date of this act.

35 SECTION 3. This act shall take effect upon its passage.